

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MATTHEW WILSON and JOSHUA  
BARNES,

Plaintiffs,

v.

CITY OF OAKLAND, CALIFORNIA  
HIGHWAY PATROL AND DOES 1-25,

Defendants.

Case No. 21-cv-03824-MMC

**ORDER GRANTING DEFENDANT  
CALIFORNIA HIGHWAY PATROL'S  
MOTION TO DISMISS; VACATING  
HEARING**

Before the Court is defendant California Highway Patrol's ("CHP") Motion to Dismiss, filed December 21, 2021. Plaintiffs Matthew Wilson and Joshua Barnes have filed a Response, to which the CHP has replied. Having read and considered the papers filed in support of and in response to the motion, the Court deems the matter appropriate for determination on the parties' respective written submissions, VACATES the hearing scheduled for January 28, 2022, and rules as follows.

In their complaint, plaintiffs allege that, while they were driving on December 5, 2019, they were pulled over by CHP officials, as well as by a City of Oakland police officer. According to plaintiffs, they subsequently were subjected to excessive force and an unlawful detention, in violation of 42 U.S.C. § 1983, as well as in violation of state law.

By the instant motion, the CHP argues the claims against it are subject to dismissal, for the reason that, "in the absence of consent[,] a suit in which the State or one of its agencies or departments is named as the defendant is proscribed by the Eleventh Amendment, . . . regardless of the nature of the relief sought." See Pennhurst State School & Hospital v. Halderman, 465 U.S. 89, 101 (1984); Will v. Michigan Dep't of


1 State Police, 491 U.S. 58, 66 (1989) (holding Eleventh Amendment precludes claims  
2 under § 1983 against state and state agencies in "a federal forum"). In their response to  
3 the instant motion, plaintiffs state no disagreement with the proposition that the Eleventh  
4 Amendment would bar claims against the CHP. Instead, plaintiffs take the position that  
5 the instant motion is "irrelevant and moot" (see Pls.' Response at 5:14-15), as, according  
6 to plaintiffs, they "have not brought any claim directly against CHP" (see id.).<sup>1</sup> The Court  
7 is not persuaded.

8 Plaintiffs have named the CHP as a "defendant" in the caption (see Doc. No. 1 at  
9 1), obtained from the Clerk of Court and served on the CHP a summons naming the CHP  
10 as a "defendant" and directing the CHP to "serve on the plaintiff an answer . . . or a  
11 motion under Rule 12 of the Federal Rules of Civil Procedure" (see Doc. Nos. 11, 19-1),  
12 and have asserted each of their claims, without further distinction, against "defendants"  
13 (see Compl. ¶¶ 26, 31, 37, 45, 53; see also Compl. ¶ 58 (alleging "the State of California  
14 is liable to the Plaintiff[s] for Negligence").)

15 Accordingly, plaintiffs having brought their claims against the CHP and those  
16 claims being barred, see Pennhurst State School & Hospital, 465 U.S. at 101, the CHP's  
17 motion to dismiss is hereby GRANTED.

18 **IT IS SO ORDERED.**

19  
20 Dated: January 25, 2022

  
MAXINE M. CHESNEY  
United States District Judge

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27 <sup>1</sup> Plaintiffs note they have brought claims against "California Highway Patrol  
28 Officers Does 1-2" (see Compl. ¶ 5) and assert they intend to seek discovery to learn  
their identities. As the CHP does not seek dismissal of plaintiffs' claims against the Doe  
defendants, the Court does not further address plaintiffs' claims against those individuals.